MEETING #11- March 24

At a Town Hall Meeting of the Madison County Board of Supervisors on March 24, 2016 at 6:00 p.m. in the Madison County Administration Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chair

Jonathon Weakley, Vice-Chair Robert W. Campbell, Member Kevin McGhee, Member Charlotte Hoffman, Member

Daniel Campbell, County Administrator V. R. Shackelford, III, County Attorney Mary Jane Costello, Interim Finance Director

Jacqueline S. Frye, Deputy Clerk

Agenda:

Call to Order

Pledge of Allegiance & Moment of Silence

1. Chairman Jackson to introduce John Quinley, Moderator:

Chairman Jackson introduced Mr. John Quinley to all in attendance.

2. John Quinley, Moderator:

Mr. Quinley thanked the Board for tonight's opportunity;.

3. General Guidelines:

Mr. Quinley proceed to read highlights noted in the general guidelines for tonight's town hall meeting format; citizens were asked to provide identifying information, remain courteous, refrain from offensive/obscene comments, and to address all concerns to the Board and not the Moderator or general public. Individuals will be allowed to present additional items of interest, as time permits, and all Board members will have the opportunity to provide input and wrap up comments on topics presented for discussion.

4. Request for Topics of Interest

#1. FOIA Training to be Scheduled or County Staff:

Eleanor Montgomery (Malvern) advised of a prior recommendation for FOIA training to be schedule for County staff has been initiated.

*Response from the Board:

- Supervisor Hoffman: Advised that she received training during the VACo training for newly elected supervisors.
- Supervisor Weakley: Advised that training provided for the supervisors does provide in-depth information; suggested this is something the County needs to look into scheduling.
- County Attorney: Noted this topic is something that he brought up at a previous meeting, as training sessions were being scheduled for Culpeper County and the Town of Culpeper. He also noted that the FOIA Council had expressed a desire to refrain from scheduling any training sessions until after the General Assembly sessions were complete, which is now the case. In closing, he suggested that FOIA Council personnel be asked to provide training for county staff and for the general public.
- Supervisor Campbell: Referred to past issues involving FOIA request (from the County), and verbalized favor of scheduling training.

#2. Update on Issues Involving the Madison County Library (Referred question to Chairman Jackson):

Joe May (Etlan) asked Chairman Jackson to provide an update on the issues involving the Madison County Library.

*Response from the Board:

> Supervisor Jackson: Advised that the library isn't closing. The County is currently on a five-year plan with the State of Virginia, and noted that the County is funding (the library) above the specified level. A breakdown of funding allocations was provided from 2012 to the present, which showed a continuous increase in allocated funding (from the County). Although there have been problems in the past involving communications, much improvement has been made. He also noted that the State analyzes local expenditures twenty-two (22) months behind the current time frame, and that state funding is being cut \$1,900 based on a decrease in expenditures (for the library) from 2013 to 2014. Consistent increases in funding (from the County) to

the library will continue. Although the County doesn't have ownership of the library, it's felt that both entities recognize that the facility is an invaluable resource to the citizens of Madison County.

Citizen Response:

Marjorie Clifton (Aylor): Thanked Chairman Jackson for attending last evening's meeting (of the Library Board) and providing comments; communication between the County and library board has improved greatly from the past; feels a new area has developed between both organizations.

#3. Public Records Information Act:

Eleanor Montgomery (Malvern) read comments provided from Kim Smith (Brightwood) that focused on the Virginia Public Records Act 42.1-76-92 and the requirements for all public offices/employees pertaining to public records management and preservation. Also questioned whether:

- The County has a written policy
- Who is the County's point of contact (at the Library of Virginia) and
- Who handles requests pertaining to other Boards, Commissions, Authorities & Offices of Constitutional Officers, or requests pertaining to citizen petitions, correspondence, environmental concerns, executive orders (for County Administrator), minutes, public educational, legal opinions, annual reports, resolutions, organization files, photographs/negatives, policies/procedures, public relations, files, etc.

*Response from Board & County Attorney:

- County Attorney: Noted that the County Administrator is the County's contact person (for the Library of Virginia); he also noted that to the best of his knowledge, Lisa Robertson (former Administrator) may have filed a plan with the Library of Virginia
- Supervisor Campbell: Referred to the past court case (involving a personal request) and the County, and noted that former Administrator, Ernie Hoch, was designated as the County's point of contact with the Library of Virginia.
- > County Attorney: Clarified that the aforementioned request (as presented on behalf of Ms. Smith) pertains to public records preservation, and not FOIA requests, which are separate items. He further clarified that Mr. Hoch was the 'keeper of the records' for the Madison County Board of Supervisors and that documentation being requested (in the FOIA request presented by Supervisor Campbell) of the Board of Supervisors was handled by him.
- > Chairman Jackson: Noted that each department keeps its own individual records with a supervisory contact (i.e. County Administrator).
- County Attorney: Clarified that an individual is designated to act as the "County's liaison", which is typically the County Administrator, and pursuant to Virginia statute, the County Administrator is the usual designee (for the County) with the State Library of Virginia.

#4. Transient Occupancy Tax Guidelines:

Leri, Thomas (Madison) was present to read the following statement (for the record) pertaining to the TOT guidelines:

"We are incentivizing practices that cost us money instead of raising money – discouraging the very businesses the Supervisor claimed to want to enhance. In the early 90's, the Madison County Board of Supervisors recommended building tourism as a means to raise revenue in the county. The advantages to tourism, they said were "Tourists come and spend their money. They eat here, shop here and then they go home. We don't have to fund their children going to school like we do for residents. They won't use county services like full time residents do. "Ostensibly, this was the primary argument in favor of building the industry and discouraging development - preserving open space and agriculture. That agenda is in our comprehensive plan. And at the more recent agribusiness/tourism confab at the Early Mt. Winery Mr. MacMahon reiterated the advantages of tourism. Smaller farmers and landowners have bought into the Dept of Agriculture farm stay promotion in an effort to keep their farms afloat. We did. Being land rich and cash poor, and having experienced the virtual destruction to a couple of properties by long term renters, we repaired and improved our properties and listen them on Airbnb. Last year we brought roughly 580 potential customers into the county. Today, although none of the houses stay rented more than 30% of the time, it has been advantageous because we can still use our houses for family and personal quests; we work harder to keep the properties in top condition; and it pays the utilities and property taxes and the insurance, which incidentally, is much higher when you do this kind of thing. We now find ourselves being treated differently than full-time landlords. Soon after we began renting to part time lodgers, the Supervisors levied a 5% transient occupancy tax on our proceeds, arguing that guests could pay that. The State collects nearly that much in retail sales tax, 1% of which comes back to the county. Then we were told the person masquerading (not meaning to hurt anyone's feelings, but he's no longer her) as the County Administrator instructed the Commissioner of Revenue to tax the contents of our rentals, as "business personal property." The former Commissioner even included kitchen a ppliances in those inventories. It is my understanding that the value of appliances is factored into residential property tax assessments, so they are being taxed twice in our situation. The current tax structure is discouraging the very business the Supervisors said they wanted to enhance. A full time landlord only pays property taxes and incomes taxes. Rental income doesn't even garner social security taxes. He will most likely rent to a family who sends children to Madison schools. They will use county services, police, social services, health department, courts, etc. They most likely shop in other counties to avoid the convenience store pricing here. The full time landlord will provide only the bare essential for his tenants. The property will most like deteriorate because renters are less likely to care for the property of others like they would their own (don't want to offend any renters here). That impacts the neighborhoods and neighboring property values, which translates into less revenue for the county. Part time farm-stay land lords are motivated to improve their properties to attract guests, to build business and they generate more secondary revenue in the form of retail sales taxes, real estate and business property taxes by referring their guests to full time local businesses, like Yoders, Food Lion, Sheetz, and local restaurants, shops and wineries, all of which in turn

have an interest in enhancing their property values and increased revenues. Furthermore, the more customers those full time merchants have the more they create local jobs. Nevertheless part-time lodging hosts pay roughly 10% in sales taxes, 6% of which goes to the County. Then we pay taxes on contents including kitchen appliances which were thrift store and family property, and we pay real estate taxes. Property that was untaxed the day before we listed on Airbnb, and would be untaxed again if we de-activate our Airbnb listings today. Haven't we got this backwards? It is not my intention to suggest that full time landlords should pay more taxes, but rather to suggest that part time farm stay landlords should be treated at least the same as fulltime landlords. Farm equipment is not taxed for a reason. The county wants to keep its farms. I had to laugh when I got my county tax form 762 for personal property and vehicles, listing the contents of our rentals. The last column asks if the property was used more than 50% of the time for business. The answer is no and is only used roughly 30% of the time. Was it in the County on January 1? These houses were family residences long before they were rentals of any kind? The form asks for inventory, purchase date, and cost before trade-in. Some of our contents date back to our childhood? Some came from yard sales. Our current Commissioner said he uses the Salvation Army donation values to assign value. State Code requires that he use fair market value. Donation values are inflated because donors derive tax deductions from them. Seriously do you want to tax a \$2.00 sheet? How about 4 glasses for \$1.00? It costs the county more to evaluate these inventories than it derives from taxes? The cost of taxes is passed on to the guests (that's what we were told) but the farm stay host is forced to adjust his price accordingly to be competitive. Without the farm stay, the county will have fewer customers. They might sneeze and drive through Madison. We are some of the people who attract and hold county revenue builders. We provide the rural atmosphere that tourists hunger fore. Fresh air, open space, peace and quiet, stars, fire pits, and fresh eggs? We don't have to. We can go back to being full time land lords tomorrow. The county tax incentives are misguided. Please take the opportunity to convince your constituents that this new Board has stumbled on some common sense. I would encourage you to review this and revise your tax schedule.

Comparison

Conventional Rental

Family Children attend school Use county services including

Social Services
Police
Rescue Squad
Animal Warden
Courts
Health Dept

Taxes

Real estate property tax Income tax Farm Stay Rental

Family or group of urban professionals Take children the NPS, Yoder's, or historic sites Use no county services.

Refer paying customers to
Grocery stores
Restaurants
Convenience stores
Farmers' Market
Events

Taxes

Real estate property tax Income tax Transient occupancy tax State Retail Sales tax

Business personal property tax

Farm Stay Landlords should be getting tax breaks, not more taxes.

In closing, she noted that an immediate response isn't being sought this evening; however, the intent is to bring the matter to the attention of the Board.

Citizen Response:

✓ Bob Chappell (Madison): Feels the County has a good selection of stores in which to shop; also commented on the local pharmacy and the competitive prices it offers for medications.

*Response from the Board:

> Supervisor Campbell: Commented on the recommendations presented by the former Finance Committee concerning the inception and initialization of the transient occupancy tax, and noted that an extensive an extensive amount of revenue was received as a result of the imposed tax. He also referred to his personal cabin that he often donates for use through charitable organization fundraisers. In his opinion, he feels that the County assumed control of the Chamber of Commerce in order to gain control of the TOT funding that is collected. He also feels the decision to tax the contents in personal rental properties was initiated in response to a personal FOIA request that he brought forth upon the County, and also feels the 'rules have changed' as time has moved on.

Citizen Response

Leri Thomas: Expressed appreciation for the background information; however, she feels there are regulations for farm stay properties is different than what's required for full-time rental properties; also noted that her properties could be rented full-time and be degraded, which in turn would impose more cost to the County as opposed to part-time rentals that actually enhance revenue for the County overall, and that:

- It isn't necessary for part-time rentals to be taxed more simply because it's seen as a 'business' and not do the same for regular landlords in the County
- The transient occupancy tax could've been less
- Doesn't plan to inventory every item in her rentals (many were attained from the Goodwill)
- If the County wants to tax them, a county representative can come do it

In closing, she requested the County review the guidelines and asses how farmers are being treated.

*Response from the Board:

- Chairman Jackson: Noted that the Board can research what procedures other localities are following assess the best ideas for the County. He also questioned if the transient occupancy tax has resulted in there being an increase in nightly rental fees. He also suggested that tonight's concerns could be added to a future agenda for further discussion by the Board.
- Supervisor Campbell: Noted that a special permit is required from the Health Department and a special use permit from the County for properties that host a one (1) night rental, but not for properties that host a rental for two (2) or more nights, so he requires a two (2) night rental for his personal cabin.

Citizen Response:

Leri Thomas noted that: "She will not be not inventorying every knife, fork and spoon; we do pay the TOT; since Airbnb doesn't have a mechanism for collecting taxes, the charge is imbedded in our overall rate; we do collect taxes; we do notify our guests in our listing that the tax is included in our fees."

#5. Total Sum of Funding Spent on Social Services [to include children at risk]

Joe May (Etlan) questioned the total amount of funding the County has spent on social services, to include at-risk youth in Madison County.

*Response from the Board:

Supervisor Weakley: Advised that the County had to utilize monies from the contingency fund for the past few years; additional information provided was as follows:

Social Services

FY2016 - \$2,076,000 FY2017 - \$2,300,000

CSA

FY2016 - \$930,000 (to include State funding) [out of a \$2,500,000 budget]

FY2017 - \$3,000,000 [local share will be \$980,000]

The County Administrator noted that CSA funding is difficult to predict.

*Response from the Board:

- Supervisor Hoffman: Noted that CSA had ten (10) foster children to receive services in January 2016; some of the children have already been sent to long-term placement facilities out of State. She also noted that most of the children are emotionally disturbed or suffer from psychiatric issues; children are also moved into various settings in the event one placement doesn't work out (i.e. foster homes, group homes, etc.) which also involves more costs for services.
- Supervisor Weakley: Noted that State guidelines have changed extensively over the years with regard to foster care placements, etc., and now require specialized training for anyone providing services (including extended family members/friends). He also noted that research on caseload numbers from 2007 show the caseload at fifty (50), which now ranges from ninety (90) to one hundred (100).
- Supervisor Campbell: Feels the County is responsible to provide public safety and education, which includes social services.

The County Administrator advised that percentages and requirements of local governments (for CSA services) is dictated by the General Assembly; any proposed changes must be brought forth through their mandated process.

It was also questioned whether concrete information could be researched on caseload comparisons in other localities, to which Supervisor Hoffman advised she would attain the information and provided it via email.

Citizen responses:

- ✓ Bob Chappell: Advised highlights of local governmental operations in other localities; commended the Board for tonight's open forum; also commended the Board for:
 - Being efficient in hiring the new County Administrator, and suggested the Board
 - Utilize social media to promote the meetings

- Research using 'rotor-call' listing
- ✓ Marilyn Portis: Suggested the County promote the meetings (i.e. advertising/signage) to make the community fully aware.

*Response from the Board:

- Supervisor Campbell: Advised the Board has discussed the possibility of scheduling a town hall meeting every quarter, and encouraged the citizens to become more active in local government. He thanked Gracie Hart, editor, for assisting the County with publicizing County events In closing, he noted that the recent budget discussions were very informative and stated that the County has budgeted funding to allow for a more professional County website, as requested by many of the citizens.
- > Chairman Jackson: Noted that these meetings will continue as long as all goes smoothly and participation increases. He also noted that dialogue is essential, and too, encouraged the citizens to become actively involved and volunteer to serve on County commissions and/or boards.

Citizen Response:

- ✓ Eleanor Montgomery: Advised that the current Board is working together very well and is very competent; urged citizens to attend the meetings.
- ✓ Clifford Cavanaugh: Noted that the County has a wonderful library; feels the facility is incredible, provides exceptional service, has very supportive/courteous staff, and is heavily utilized by the citizens; urged the County to continue to support the library.
- ✓ Marjorie Clifford: Noted that the library has now purged the library card user list; users were urged to come by and get a new card.

*Response from the Board:

> Chairman Jackson: Noted that the County is providing a significant amount of funding to the library and that a five-year plan is now in place. In closing, he advised that 'the library isn't closing.'

#6. The Use of Post Office Boxes for County Offices vs. Installation of Mail Receptacles:

Dave Ashley (Rochelle) was present and questioned whether the County has assessed the costs of using mail receptacles versus the cost to have a post office box for all County departments.

Chairman Jackson questioned if the use of receptacles is something that could be assessed as opposed to paying for post office boxes.

Clarissa Berry, Commonwealth Attorney, was present and advised that all offices in the Town of Madison utilize post office boxes, as all mail delivered (within Town) is delivered to the mail receptacle located next to the local pharmacy . In closing, she advised that it's more practical for her office to continue the current process.

Citizen Response:

- ✓ Tommy Berry: Noted that there has never been mail delivery service in the Town of Madison, and advised that town resident's haven't elected to petition a change in the delivery process.
- ✓ Dave Ashley: Noted it is a pleasure to attend the meetings; also provided accolades to the County Administrator.
- ✓ Mike Fisher: Noted the information provided on the issue involving the library; also suggested the Board of Supervisors publish a statement about the findings (pertaining to the library) and provide it to the public (i.e. newspaper), excluding the editor; some citizens are distrustful of the newspaper and desire public releases from the County only.

*Response from the Board:

- Supervisor Weakley: Noted that the Board desired to compile information and assess the email chain on this issue (i.e. cuts, funding); also noted that some of the information provided to the public was channeled through social media and Channel 29 news; the Board desired to attain as much information as possible (from the State Library of Virginia) before providing output. In his opinion, believes it's important to collect accurate information on the matter before releasing a comment; also suggested the Board look at various methods/ideas (to release communication).
- > Chairman Jackson: Questioned where (it's desired) for the County to release a public statement; noted the legalities involved if the Board members discuss topics (amongst each other) away from the public meeting format.
- Supervisor McGhee: Noted the intent to improve the County website; questioned if this would be a venue to allow for the publication of public statements (from the Board).
- Supervisor Campbell: Noted that a recent meeting was held with the library board to discuss concerns; discouraged the publication of the matter on social media.

Citizen Response:

✓ Bob Chappell: Verbalized support of the statement (to request a public release from the County); also feels that Channel 29 should be made aware of the recent findings.

*Response from the Board:

Chairman Jackson: Noted that the County would like to refrain from going 'back and forth' on the issue and/or coming forth as being confrontational.

Citizen Responses:

Edward Eddins: Noted that his wife was concerned that the library would closed; therefore, he expressed appreciation that
the issue has now been resolved.

*Response from the Board:

- Chairman Jackson: Noted that past relations were a bit strained between the Board of Supervisors and other entities (i.e. library, Town, planning commission, etc.); however, relations have now greatly improved and local government is more efficient; also noted that the planning commission is very proactive; feels that open communication is invaluable and makes for a more efficient government.
- Supervisor Campbell: Noted that citizens serving on various commissions take their responsibilities to serve the public very seriously.

Miscellaneous:

Town Hall Meeting (Sheriff/Blue Ridge Narcotics Task Force):

Clarissa Berry, Commonwealth Attorney, was present and announced the Sheriff's Office and the Blue Ridge Narcotics Task Force are working to schedule a town hall meeting to discuss problems with heroin use within the community; an exact date hasn't yet been established. A recent presentation was held in Greene County; highlights from the meeting format were provided for information. In closing, it's anticipated that a representative from the General Attorney's Office will be on hand to provide input. In closing, she advised that her office works well with the Sheriff's Office, and also noted that some of the children receiving DSS services are the direct result of their parents' former drug usage. It was also noted that methamphetamine use is also prevalent in Madison County, but not as much as heroin usage.

The County Administrator advised that a similar meeting was held in a previous locality that drew a large attendance from the public; therefore, he suggested that perhaps the school facility be sought for use.

Sheriff's Office (Cell Phones for Deputies):

Supervisor Campbell advised that it has been reported that the deputies utilize their private cells phones; the Sheriff has requested that the County provide cell phones for law enforcement personnel.

#7. Recreation Development

Jerry Butler (Madison) asked if any efforts will be done to put in fishing and boating ramp facilities in the County; questioned whether the PRA has thought about developing the property in Middle River Retreat; also noted there is a small area at White Oak Lake where property owners fish and questioned if owners will allow this to be open to the public for use.

Bruce Brown was present and noted that he does have a private pond that he only opens up to those that he knows/trusts, but has no plans to open it to the entire public.

✓ Steve Grayson: Provided an update on the rescue squad's intent to build a new facility off Gate Road; letters have been sent to citizens seeking contributions; \$700,000.00 in funding is needed in order to break ground at the property; site plan is being initiated; soil testing also being done; intent is to break ground in mid-2017; the next meeting of the rescue squad will be on April 16th; annual steak/shrimp dinner is scheduled for May 7th.

Responses from the Board:

Supervisor Weakley: Noted that RSA may be the 'holding body' of the reservoir; also noted there's a trout stream up the Rapidan River; feels this concern will call for public discussion with the HOA at White Oak Lake; believes the pond at Hoover Ridge is 'catch and release' only.

Announcements:

Supervisor Campbell announced the following:

- Brightwood Ruritan Club: Serving Breakfast on the 1st Saturday of each month
- George James Community Center: Serving breakfast the 2nd Saturday of each month
- American Legion: Will be serving breakfast on Saturday, March 26th

#8. Autumn Care Rehabilitation Center Safety Concerns:

Edward Eddins (Madison) verbalized concerns about Autumn Care Rehabilitation Center and the fact that there isn't an emergency exit from the facility to Route 29, which he feels is something that should've been addressed during the construction of the facility.

*Response from the Board:

- Chairman Jackson: Questioned if VDOT would consider installing a deceleration lane, and whether this is something the facility would consider.
- Supervisor Weakley: Noted that the facility may have a contingency plan in place; also noted that during the last renovation process, a larger, structured entrance was put into place to allow for additional turnaround space; also questioned whether there are agreements between the facility and surrounding property owners (i.e. locked gate behind DSS).
- > Supervisor Campbell: Questioned whether emergency management staff may have some insight on the matter, and whether the County could initiate something into the County's emergency plan.

Citizen Responses:

✓ Terri Weaver: Noted that during special events, the Sheriff's Office attains permission from MWP to open the back gate of their property that also provides access off of Church Street which leads to Autumn Care.

Board Wrap up:

- > Supervisor McGhee thanked all for attending tonight's meeting; noted it would be good to have more citizens attend; also noted this could end up being a regular session; stressed the importance of 'quality' versus 'quantity', and feels there was 'good quality' here tonight.
- Supervisor Campbell thanked all for attending; expressed an honor to be a member of the Board; feels the County is a close knit community with strong values/beliefs; encouraged citizens to be more involved in local government; the County belongs to the citizens.
- Supervisor Hoffman thanked all for attending; urged citizens to advise others of how productive tonight's meeting was in the hopes of having more attend the next town hall session; noted she received numerous emails regarding the library and feels that concerns were clarified tonight.
- Supervisor Weakley thanked all for attending; noted that the meeting Agenda now contains "Old Business" and "New Business" in an effort to help the Board track topics of interest; feels there is a wonderful County Administrator in place; feels good issues were raised tonight. Also thanked Mr. Quinley for serving as Moderator of tonight's session.
- > Chairman Jackson thanked all for attending tonight's session
- ✓ Bob Chappell thanked the Board for entertaining two (2) public comment periods during the regular meeting process.

7. Adjournment:

With no further action being required, on motion of Supervisor Campbell, seconded by Supervisor Weakley, Chairman Jackson adjourned tonight's meeting. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

R. Clay Jackson, Chairman Madison County Board of Supervisors

Clerk of the Board of Madison County Board Supervisors

Adopted on: April 12, 2016

Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda Town Hall Meeting Madison County Board of Supervisors Thursday, March 24, 2016 6:00 p.m. to 9:00 p.m. 414 N. Main Street, Madison, VA 22727



Agenda Items

Call to Order

Pledge of Allegiance & Moment of Silence

- 1. Chairman Jackson to introduce John Quinley, Moderator
- 2. John Quinley, moderator

3. General Guidelines

- a. The Town Hall Meeting will last for 3 hours.
- b. Please state your name and tell us in which part of the County you live.
- c. Your comments or foundation for your question will be limited to 3 minutes. You are limited to one follow up question or comment, which will be limited to 1 minute. Likewise the Board will confine their questions and/or answers to the same time frames.
- d. Once all speakers on a topic have made their presentations I will ask if anyone has a further comment or question on that topic, again these comments or questions will be limited to 3 minutes; and, your follow up, if any, to 1 minute. When all have spoken we will move to another topic.
- e. Time permitting, when all topics have been addressed, additional topics may be requested.
- f. Each Board member may choose to make a wrap up comment of 3 minutes.

4. Request for topics of interest

- a. Request for topics of interest; anyone who wishes to comment on or ask questions about this evening.
- b. The list of topics will be displayed on the projector.
- c. Any person wishing to speak on that topic may do so.
- d. When all speakers are finished on a topic we will move to the next topic.
- e. Please indicate you wish to speak by raising your hand.

6. Adjournment by Chairman Jackson